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Assistant Commissioner for Patents, Washington, D.C. 20231
On February 27, 2001
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PATENT
Attorney Docket No.: 015280271100
Client Reference No.: E-157-94/1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
GONZALEZ et al.

Application No.: 09/308,080

Filed: October 28, 1999

For: METHODS AND COMPOSITIONS FOR
DETECTING DIHYDROPYRIMIDINE
DEHYDROGENASE SPLICING MUTATIONS



Examiner: STEADMAN, D.

Art Unit: 1633

AMENDMENT

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Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:


In response to the Office Action mailed December 27, 2000, applicants hereby elect with traverse the claims of Group I (claims 1-5 and 10-14) directed to methods of detecting splicing defects in the dihydropyrimidine dehydrogenase gene, as well as kits and primers useful in the methods.

According to the MPEP, where claims can be examined together without undue burden, the Examiner must examine the claims on the merits even though they are directed to independent and distinct inventions. *See*, the MPEP at 803.01. In establishing that an "undue burden" would exist for co-examination of claims, the Examiner must show that examination of the claims would involve substantially different prior art searches, making the co-examination burdensome. Applicants respectfully submit that examination of the claims in Group II (directed to embodiments in which the methods are used to screen patients for sensitivity to 5-fluorouracil by detecting the splicing defects) would not create an undue burden and respectfully request withdrawal of the restriction requirement in this case.

If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at 415-576-0200.



Respectfully submitted,


Kevin Bastian
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